

Arkema Inc.

RN100216373

Docket No. 2010-1235-AIR-E

Order Type:

Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

2810 Gulf States Road, Beaumont, Jefferson County

Type of Operation:

Organic chemicals plant

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date:	December 30, 2011
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Comments Received:	None
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Penalty Information

Total Penalty Assessed:	\$34,650
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Amount Deferred for Financial Inability to Pay:	N/A
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Total Paid to General Revenue:	\$17,325
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Total Due to General Revenue:	\$0
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SEP Conditional Offset:	\$17,325
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Name of SEP: South East Texas Regional Planning Commission–
Meteorological and Air Quality Monitoring Network

Compliance History Classifications:

Person/CN – Average

Site/RN – Average

Major Source:	Yes
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Statutory Limit Adjustment:	N/A
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Applicable Penalty Policy:	September 2002
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Arkema Inc.

RN100216373

Docket No. 2010-1235-AIR-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: April 30, 2010
Date(s) of NOV(s): See Compliance History – Seven related NOVs
Date(s) of NOE(s): July 9, 2010

Violation Information

1. Failed to maintain emissions at or below the rates listed in the maximum allowable emission rate table (MAERT) for the thermal oxidizer, Emission Point Number (EPN) SULFOX-TO [TEX. HEALTH & SAFETY CODE § 382.085(b); 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4); Air Permit Nos. 865A and PSD-TX-1016, Special Conditions 2; and Federal Operating Permit No. O1636, Special Conditions 13, and General Terms and Conditions].
2. Failed to operate the flare with no visible emissions except for periods that do not exceed a total of five minutes in any two consecutive hours [TEX. HEALTH & SAFETY CODE § 382.085(b); 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A), 116.115(c), and 122.143(4); Federal Operating Permit No. O1636, Special Conditions 13 and General Terms and Conditions; and Air Permit No. 865A and PSD-TX-1016, Special Conditions 10A].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

N/A

Technical Requirements:

1. By September 2, 2011, submit a preliminary engineering study of alternative control technologies and operational practices to address the sulfur emissions and white visible emissions from EPN FLARE.
2. Respond completely and adequately to all requests for additional information and/or questions from the Executive Director within 30 days or any later deadline specified in writing;
3. By January 16, 2012, submit a final report to the Executive Director containing a detailed assessment of each of the technologies considered, including their technical and cost effectiveness in reducing sulfur emissions and white visible emissions, estimated capital and operating costs, feasibility of implementation, and schedules for implementation and corrective action plan.
4. Within 150 days, obtain approval from the Executive Director for the corrective action plan. If the Executive Director does not approve the corrective action plan, the Executive Director will identify in a disapproval letter what changes are necessary for the plan to be approved. Within 30 days of receiving the Executive Director's disapproval and comments, submit a revised corrective action plan that addresses the Executive Director's comments.
5. Within 30 days after the Executive Director's approval of the corrective action plan, commence implementation of the plan to address sulfur emissions and white visible emissions that exceed a total of five minutes in any two consecutive hours.
6. Continue to implement the corrective action plan until all action items have been completed, and submit quarterly status reports regarding the implementation of the corrective action plan, including an overall summary of measures taken to ensure the plan is being followed.

Arkema Inc.

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7. Upon completion of the corrective action plan, submit written certification that the corrective action plan has been completed and consistent compliance with SC 10.A (now SC 10.C) of Air Permit No. 865A and PSD-TX-1016 has been achieved.
8. If unable to complete the corrective action plan:
 - a. Either 30 days prior to the deadline, or, if Respondent anticipates failure to meet a deadline fewer than 30 days before the deadline, as soon as practical but not later than the deadline, submit an extension request demonstrating good cause as to why Respondent is unable to meet the deadline; or
 - b. Within 365 days, submit written certification demonstrating compliance with SC 10A (now SC 10.C) of Air Permit Nos. 865A and PSD-TX-1016.

Litigation Information

Date Petition(s) Filed: November 30, 2010; August 11, 2011
Date Answer(s) Filed: December 14, 2010
SOAH Referral Date: February 7, 2011
Hearing Date(s):
Preliminary hearing: March 31, 2011 (waived)
Evidentiary hearing: September 1, 2011 (continued indefinitely)
Settlement Date: October 13, 2011

Contact Information

TCEQ Attorneys: Anna M. Treadwell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ SEP Coordinator: Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Raymond Marlow, Air Enforcement Section, (409) 898-3838
TCEQ Regional Contact: Kathy Saucedo, Beaumont Regional Office, (409) 898-3838
Respondent: Derrick Stanley, Health, Environmental, and Safety Manager, Arkema, Inc.,
P.O. Box 1427, Beaumont, Texas 77704
Respondent's Attorney: Christopher Amandes, Vinson & Elkins, L.L.P., First City Tower,
1001 Fannin Street, Suite 2300, Houston, Texas 77002-6760

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Attachment A
Docket Number: 2010-1235-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Arkema Inc.
Penalty Amount:	Thirty-Four Thousand Six Hundred Fifty Dollars (\$34,650)
SEP Offset Amount:	Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325)
Type of SEP:	Contribution to a Third-Party Recipient
Third-Party Recipient:	South East Texas Regional Planning Commission
Project Name:	<i>Meteorological and Air Quality Monitoring Network</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission for the *Meteorological and Air Quality Monitoring Network*. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote

communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Particulate matter (PM), sulfides (SO, SO₂), oxides of nitrogen (NO_x), volatile organic carbon (VOC) compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Bob Dickinson, Director
Transportation & Environmental Resources Division
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Litigation Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Jul-2010	Screening	29-Jul-2010	EPA Due	
	PCW	9-Aug-2011				

RESPONDENT/FACILITY INFORMATION			
Respondent	Arkema Inc.		
Reg. Ent. Ref. No.	RN100216373		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	40115	No. of Violations	2
Docket No.	2010-1235-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	131.0% Enhancement	Subtotals 2, 3, & 7	\$19,650
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Notes: Enhancement for seven NOV's with same/similar violations, seven NOV's with dissimilar violations, three orders with denial of liability and one order without denial of liability. Reduction for one notice of intended audit and one disclosure of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,894
 Approx. Cost of Compliance: \$20,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,650
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$34,650
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,650
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$34,650
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Screening Date 29-Jul-2010

Docket No. 2010-1235-AIR-E

PCW

Respondent Arkema Inc.

Policy Revision 2 (September 2002)

Case ID No. 40115

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216373

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 131%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes Enhancement for seven NOVs with same/similar violations, seven NOVs with dissimilar violations, three orders with denial of liability and one order without denial of liability. Reduction for one notice of intended audit and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 131%

Screening Date 29-Jul-2010

Docket No. 2010-1235-AIR-E

PCW

Respondent Arkema Inc.

Policy Revision 2 (September 2002)

Case ID No. 40115

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216373

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 101.20(3), and 122.143(4), Air Permit Nos. 865A and PSD-TX-1016, Special Conditions ("SC") 2, Federal Operating Permit ("FOP") No. O1636, SC 13, and General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain emissions at or below the rates listed in the maximum allowable emission rate table ("MAERT") for the thermal oxidizer, Emission Point Number ("EPN") SULFOX-TO. Specifically, from October 26, 2008 to October 25, 2009, the 15.13 pounds per hour ("lb/hr") emission rate for nitrogen oxides ("NOx") was exceeded 2,946 times, resulting in the release of 4,524 pounds ("lbs") of NOx, the 31.33 lbs/hr emission rate for carbon monoxide ("CO") was exceeded for EPN SULFOX-TO 309 times resulting in the release of 2,376 lbs of CO, and the requirement of operating with a minimum of 2% oxygen was not met 101 times.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				x
	Potential				
				25%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 364 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended based on the exceedances which occurred from October 26, 2008 to October 25, 2009.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,169

Violation Final Penalty Total \$23,100

This violation Final Assessed Penalty (adjusted for limits) \$23,100

Economic Benefit Worksheet

Respondent Arkema Inc.
Case ID No. 40115
Req. Ent. Reference No. RN100216373
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	26-Oct-2008	1-Dec-2011	3.10	\$103	\$2,066	\$2,169
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct root cause investigations and implement design changes. Date required is the earliest date of noncompliance. Final date is the estimated date corrective actions will be complete.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,169

Screening Date 29-Jul-2010

Docket No. 2010-1235-AIR-E

PCW

Respondent Arkema Inc.

Policy Revision 2 (September 2002)

Case ID No. 40115

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216373

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 111.111(a)(4)(A), and 122.143(4), FOP No. O1636, SC 13 and GTC, Air Permit Nos. 865A and PSD-TX-1016, SC 10A and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the flare with no visible emissions except for periods not to exceed a total of 5 minutes during any two consecutive hours. Specifically, in the semi-annual deviation report covering the compliance period of April 26 to October 25, 2009, Arkema reported six events, from June 20, 2009 through October 9, 2009, where white visible emissions were emitted from the flare during startup, shutdown, and maintenance activities.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	25%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Human health or the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 111 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended based upon the violations that occurred from June 20, 2009, through October 9, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$725

Violation Final Penalty Total \$11,550

This violation Final Assessed Penalty (adjusted for limits) \$11,550

Economic Benefit Worksheet

Respondent Arkema Inc.
Case ID No. 40115
Req. Ent. Reference No. RN100216373
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	20-Jun-2009	1-Dec-2010	1.45	\$725	n/a	\$725
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an alternative opacity limit. Date required is the earliest date of noncompliance. Final date is the estimated date corrective actions will be complete.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$725

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124044 Arkema Inc.	Classification: AVERAGE	Rating: 2.47
Regulated Entity:	RN100216373 ARKEMA BEAUMONT PLANT	Classification: AVERAGE	Site Rating: 2.70
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0074L
	AIR OPERATING PERMITS	PERMIT	1636
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD074180019
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION (SWR)#	30663
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50222
	WASTEWATER	PERMIT	WQ0001872000
	WASTEWATER	EPA ID	TX0052825
	AIR NEW SOURCE PERMITS	REGISTRATION	93367
	AIR NEW SOURCE PERMITS	REGISTRATION	23999
	AIR NEW SOURCE PERMITS	REGISTRATION	28512
	AIR NEW SOURCE PERMITS	REGISTRATION	33720
	AIR NEW SOURCE PERMITS	REGISTRATION	34412
	AIR NEW SOURCE PERMITS	REGISTRATION	39717
	AIR NEW SOURCE PERMITS	REGISTRATION	43853
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0074L
	AIR NEW SOURCE PERMITS	REGISTRATION	22740
	AIR NEW SOURCE PERMITS	PERMIT	865A
	AIR NEW SOURCE PERMITS	AFS NUM	4824500053
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1016
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1016M1
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION (SWR)#	50222
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION(SWR) #	30663
	IHW CORRECTIVE ACTION	PERMIT	50222
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0074L

Location: 2810 GULF STATES RD, BEAUMONT, TX, 77704
 TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 28, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 28, 2005 to September 28, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
 Name: Raymond Marlow, P.G. Phone: (409) 899-8785

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/24/2005 ADMINORDER 2005-0356-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 865A Special Condition 2 PERMIT
 Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 08/20/2006

ADMINORDER 2004-1702-AIR-E

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event, which occurred on January 15-16, 2003 (TCEQ Incident No. 14327), August 1, 2003 and January 28, 2004.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 865A/PSD-TX-1016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 11/18/2006

ADMINORDER 2006-0614-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 865A/PSD-TX-1016 PERMIT

Description: Failure to comply with emissions limits of Sulfur Dioxide from the flare as specified by the MAERT in Permit 865A/PSD-TX-1016.

Effective Date: 08/29/2008

ADMINORDER 2008-0303-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 865A/PSD-TX-1016, Special Condition 2 PERMIT
O-01636, Special Condition 13 OP

Description: Exceeded the permitted hourly rate of 3,527.58 pounds per hour ("lbs/hr") for sulfur dioxide ("SO2").

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/21/2005	(581326)	30	02/15/2007	(581307)	58	02/06/2008	(612714)
2	11/22/2005	(581328)	31	02/22/2007	(538455)	59	02/14/2008	(673603)
3	12/21/2005	(581330)	32	03/20/2007	(581310)	60	02/24/2008	(611295)
4	01/20/2006	(581332)	33	04/20/2007	(542670)	61	03/17/2008	(673604)
5	02/21/2006	(581306)	34	04/23/2007	(673605)	62	04/08/2008	(641062)
6	03/17/2006	(581309)	35	05/06/2007	(558173)	63	05/19/2008	(654085)
7	04/14/2006	(581312)	36	05/15/2007	(581315)	64	05/19/2008	(691873)
8	05/03/2006	(458356)	37	05/31/2007	(556659)	65	06/06/2008	(680155)
9	05/17/2006	(465668)	38	06/14/2007	(560100)	66	06/18/2008	(654250)
10	05/17/2006	(581314)	39	06/14/2007	(560622)	67	06/19/2008	(681475)
11	05/24/2006	(461682)	40	06/14/2007	(673606)	68	07/14/2008	(691874)
12	05/25/2006	(461194)	41	06/14/2007	(673607)	69	08/12/2008	(712871)
13	06/15/2006	(581317)	42	06/20/2007	(558144)	70	08/12/2008	(712872)
14	07/21/2006	(481913)	43	07/12/2007	(559942)	71	09/08/2008	(712873)
15	08/16/2006	(581322)	44	07/17/2007	(581320)	72	10/15/2008	(712874)
16	08/31/2006	(462909)	45	08/09/2007	(267734)	73	10/24/2008	(701629)
17	09/11/2006	(509523)	46	08/20/2007	(608113)	74	10/31/2008	(701997)
18	09/18/2006	(581325)	47	09/18/2007	(673608)	75	11/05/2008	(702719)
19	09/22/2006	(511812)	48	09/21/2007	(570573)	76	11/06/2008	(712875)
20	10/12/2006	(581327)	49	10/05/2007	(571382)	77	12/04/2008	(708596)
21	11/01/2006	(581319)	50	10/18/2007	(673609)	78	12/16/2008	(752255)
22	11/03/2006	(512485)	51	10/24/2007	(596018)	79	01/12/2009	(729094)
23	11/03/2006	(513326)	52	11/14/2007	(673610)	80	02/05/2009	(752252)
24	11/09/2006	(512057)	53	11/30/2007	(574100)	81	03/09/2009	(752253)
25	11/29/2006	(581329)	54	12/13/2007	(673611)	82	03/23/2009	(735778)
26	12/14/2006	(581331)	55	01/14/2008	(610773)	83	03/25/2009	(737192)
27	01/17/2007	(534227)	56	01/14/2008	(611785)	84	04/14/2009	(752254)
28	01/19/2007	(581333)	57	01/22/2008	(673612)	85	05/07/2009	(737564)
29	02/06/2007	(535382)				86	05/08/2009	(769932)

87	06/08/2009	(769933)	98	10/02/2009	(764770)	109	05/12/2010	(832561)
88	07/13/2009	(744612)	99	10/12/2009	(809399)	110	05/28/2010	(798116)
89	07/14/2009	(809396)	100	11/02/2009	(780268)	111	06/11/2010	(794986)
90	07/16/2009	(748508)	101	12/08/2009	(809401)	112	06/14/2010	(846794)
91	08/10/2009	(809397)	102	01/11/2010	(809400)	113	06/29/2010	(824622)
92	08/31/2009	(761781)	103	01/11/2010	(809402)	114	07/09/2010	(828999)
93	09/10/2009	(809398)	104	02/02/2010	(788000)	115	07/12/2010	(829301)
94	10/02/2009	(764650)	105	02/15/2010	(809395)	116	07/13/2010	(861314)
95	10/02/2009	(764674)	106	03/15/2010	(832559)	117	08/13/2010	(841281)
96	10/02/2009	(764694)	107	03/16/2010	(794279)			
97	10/02/2009	(764746)	108	04/09/2010	(832560)			

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/02/2006	(458356)	CN600124044
Self Report?	NO		Classification: Moderate
Citation:	PC 2g PERMIT		
Description:	Failure by Arkema, Inc. to prevent unauthorized discharges into or adjacent to the waters of the state.		
Date:	09/12/2006	(509523)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter D 382.085(b) Permit 865A SC2 PERMIT		
Description:	Failure to limit the PM emissions from the Sulfox Thermal Oxidizer (EPN: SULFOX-TO) during the stack test conducted on November 30 and December 1, 2005.		
Date:	11/10/2006	(512057)	
Self Report?	NO		Classification: Minor
Citation:	1636 OP 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to submit CEMS downtime reports in a timely manner.		
Self Report?	NO		Classification: Moderate
Citation:	1636 OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Permit 865A PERMIT		
Description:	Failure to maintain a CEMS downtime of less than 5% during the 12-month period of April 1, 2005, through March 31, 2006.		
Self Report?	NO		Classification: Moderate
Citation:	1636 OP 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to submit excess emission reports for the last 3 quarters of 2005 and the first quarter of 2006.		
Date:	01/18/2007	(534227)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) 865A and PSD-TX-1016 PERMIT O-01636 OP		
Description:	Failure to limit carbon monoxide (CO) emissions from the thermal oxidizer (EPN: SULFOX-TO) to the authorized limit found in Permit 865A/PSD-TX-1016.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter B 115.114(a)(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) 865A and PSD-TX-1016 PERMIT O-01636 OP		
Description:	Failure to inspect secondary seal on external floating roof tank every 6 months. B1 Moderate 2E		

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 865A and PSD-TX-1016 PERMIT
 OP O-01636 OP
 Description: Failure to conduct second quarter H2S sampling event.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 865A/PSD-TX-1016 PERMIT
 O-01636 OP
 Description: Failure to provide acceptable annual fuel supplier certification of sulfur content for natural gas.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01636 OP
 O-01636, General Terms and Conditions OP
 Description: Failure to submit the Annual Permit Compliance Certification for OP O-01636 within 30 days of the certification period.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP O-01636 OP
 OP O-01636, General Terms and Conditions OP
 Description: Failure to submit the Semiannual Deviation Report within for OP O-01636 within 30 days of the certification period.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 865A/PSD-TX-1016 PERMIT
 O-01636 OP
 Description: Failure to limit the firing rate of the thermal oxidizer (EPN: SULFOX-TO) to the authorized limit found
 in Permit 865A/PSD-TX-1016.
 30 TAC Chapter 122.143 (4)
 5C THC Chapter 382.085(b)
 Permit 865A/PSD-TX-1016

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(ii)
 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01636 OP
 Description: Failure to close the parts washer cover when parts were not being handled.

Date: 02/28/2007 (581310)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/21/2007 (558144)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 865A/PSD-TX-1016 Special Condition 2 PERMIT
 FOP O-01636 General Terms and Conditions OP
 FOP O-01636 Special Condition 13A OP
 Description: Failure to limit the PM emissions from the Sulfox Thermal Oxidizer (EPN: SULFOX-TO) during the stack test
 conducted on August 16 through 17, 2006. EIC, B(18), MOD, 2(D)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
865A/PSD-TX1016, Special Condition 19F PERMIT
FOP O-01636 General Terms and Conditions OP
FOP O-01636 Special Condition 13A OP

Description: Failure to submit copies of the final sampling report of the SULFOXTO for the test dates of August 16 and 17, 2007, to the TCEQ within 30 days after sampling was completed. EIC, B(3), MOD2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01636 General Terms and Conditions OP

Description: Failure to report two deviations in the semi-annual deviation report for the period of April 26, 2006, through October 25, 2006. EIC, B(3), MOD, 2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01636 General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of October 24, 2005, through October 25, 2006. EIC, B(3), MOD, 2(D)

Date: 07/13/2007 (559942)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
865A/PSD-TX-1016 PERMIT
O-01636 PERMIT

Description: Failure to limit Hydrogen Sulfide and Carbon Disulfide emissions from Tank 402 (EPN: T402) to the authorized limit found in Permit 865A/ PSD-TX-1016. On April 16, 2007, 483.00 pounds of Hydrogen Sulfide and 1,712.00 pounds of Carbon Disulfide were released from T-402.

Date: 02/20/2008 (611295)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
O-01636 OP

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
865A/PSD-TX-1016 PERMIT
O-01636 OP

Description: Failure to limit carbon monoxide (CO) emissions from the thermal oxidizer (EPN: SULFOX-TO) to the authorized limit found in Permit 865A/PSD-TX-1016.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
865A/PSD-TX-1016 PERMIT
O-01636 OP

Description: Failure to maintain a production rate below the allowable limit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
865A/PSD-TX1016 PERMIT
O-01636 OP

Description: Failure to maintain the Oxygen (O2) concentration above 5 percent in SULFOX-TO as required by the permit.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(4)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit the third quarter 2007 SULFOX-TO progress report as required by the provisions of the Compliance Schedule.

Date: 10/31/2008 (712875) CN600124044

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/05/2008 (702719) CN600124044

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR 1 PERMIT
Description: Failure by Arkema, Inc. to properly maintain units of conveyance.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)
PC 2g PERMIT
Description: Failure by Arkema, Inc. to prevent unauthorized discharge.

Date: 11/18/2008 (708596)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382, SubChapter D 382.085(b)
865A/PSD-TX-1016 Special Condition 2 PERMIT
FOP O-01636 General Terms and Conditions OP
FOP O-01636 Special Condition 13A OP
Description: Failure to limit the PM emissions from the Sulfox Thermal Oxidizer (EPN: SULFOX-TO) during the stack test conducted on August 16 through 17, 2006. EIC, B(18), MOD, 2(D)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382, SubChapter D 382.085(b)
865A/PSD-TX1016, Special Condition 19F PERMIT
FOP O-01636 General Terms and Conditions OP
FOP O-01636 Special Condition 13A OP
Description: Failure to submit copies of the final sampling report of the SULFOXTO for the test dates of August 16 and 17, 2007, to the TCEQ within 30 days after sampling was completed. EIC, B(3), MOD2(B)

Date: 07/13/2009 (744612)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 23 PERMIT
Description: Failure to maintain the oxygen level above 2% from the thermal oxidizer, Emission Point Number (EPN) SULFOX-TO. EIC B, 18.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 15E PERMIT
Description: Failure to seal several open-ended lines with a cap, plug, or blind flange. EIC C, 10.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to visually inspect external floating roof tanks once every six months. EIC B, 3.

Date: 02/02/2010 (788000)

CN600124044

Self Report? NO Classification: Minor
Citation: MRR PERMIT
Description: Failure by Arkema, Inc. to include all monitoring results in the calculation and reporting of the values submitted on the approved self-report form.
Self Report? NO Classification: Minor
Citation: PC PERMIT
Description: Failure by Arkema, Inc. to properly complete the discharge monitoring report.

Date: 07/09/2010 (828999)

CN600124044

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 15E PERMIT
Description: Failure to seal several open ended lines with a cap, plug, or blind flange. EIC C10, MIN A
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to maintain records of the daily flare observations. EIC B1, MOD 2E
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)(G)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 10 PERMIT
Special Condition 13 OP
Description: Failure to continuously monitor the flare pilot flame. EIC B3, MOD 2B
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all instances of deviations. B3, MOD 2G
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to accurately certify an Annual Compliance Certification (ACC) for the period of October 25, 2008, through October 26, 2009. EIC B3, MOD 2G

F. Environmental audits.

Notice of Intent Date: 05/11/2009

Disclosure Date: 06/08/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to maintain quarterly visible observation records for the following: EPN SULFOX-INH, EPN X426A, EPN X426B, EPN H401, EPN H501, EPN H402, EPN H502, EPN H202, EPN H2202

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ARKEMA INC.;
RN100216373**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-1235-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Arkema Inc. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Christopher Amandes of the law firm Vinson & Elkins L.L.P., appear before the Commission and together stipulate that:

1. Respondent owns and operates an organic chemicals plant located at 2810 Gulf States Road in Beaumont, Jefferson County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of thirty-four thousand six hundred fifty dollars (\$34,650.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, seventeen thousand three hundred twenty-five dollars (\$17,325.00) of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of this Agreed Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

If Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, including the SEP Agreement and any payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the conditionally offset portion of the administrative penalty shall become immediately due and payable without demand or notice. The acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order, and the Executive Director may require Respondent to pay all or part of the conditionally offset administrative penalty.

Respondent paid seventeen thousand three hundred twenty-five dollars (\$17,325.00) of the administrative penalty.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to the approval of the Commission.
8. The Executive Director recognizes that Respondent implemented measures to maintain emissions at permitted levels for the thermal oxidizer and to operate the thermal oxidizer with minimum of 2% oxygen.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During an investigation conducted on April 30, 2010, a TCEQ Beaumont Regional Office investigator documented that Respondent:
 - a. Failed to maintain emissions at or below the rates listed in the maximum allowable emission rate table ("MAERT") for the thermal oxidizer, Emission Point Number ("EPN") SULFOX-TO. Specifically, from October 26, 2008 to October 25, 2009, the 15.13 pounds per hour ("lb/hr") emission rate for nitrogen oxides ("NOx") was exceeded 2,946 times, resulting in the release of 4,524 lbs of NOx; the 31.33 lbs/hr emission rate for carbon monoxide ("CO") was exceeded for EPN SULFOX-TO 309 times resulting in the release of 2,376 lbs of CO, and the requirement of operating with a minimum of 2% oxygen was not met 101 times, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b); 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c),

and 122.143(4); Air Permit Nos. 865A and PSD-TX-1016, Special Conditions ("SC") 2; and Federal Operating Permit ("FOP") No. O1636, SC 13, and General Terms and Conditions ("GTC"); and

- b. Failed to operate the flare with no visible emissions except for periods that do not exceed a total of five minutes in any two consecutive hours. Specifically, in the semi-annual deviation report covering the compliance period of April 26 to October 25, 2009, Respondent reported six events from June 20, 2009 through October 9, 2009, where white visible emissions were emitted from the flare (EPN FLARE) during startup, shutdown, and maintenance activities, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b); 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A), 116.115(c), and 122.143(4); FOP No. O1636, SC 13 and GTC; and Air Permit Nos. 865A and PSD-TX-1016, SC 10A.
2. Respondent received notice of the violations on or about July 14, 2010.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 5. The amount of seventeen thousand three hundred twenty-five dollars (\$17,325.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
 - a. By September 2, 2011, Respondent shall submit to the addresses listed in Ordering Provision No. 3.i. a preliminary engineering study of alternative control technologies and operational practices (collectively "technologies") to address the sulfur emissions and white visible emissions from EPN FLARE with the following: technologies considered and for each of the technologies, a cost analysis, an analysis and determination of the effectiveness of reducing sulfur emissions and white visible emissions, and NAAQS determination;

- b. Respondent shall respond completely and adequately to all requests for additional information and/or questions from the Executive Director within 30 days or any later deadline specified in writing;
- c. By January 16, 2012, Respondent shall submit to the addresses listed in Ordering Provision No. 3.i. a final report to the Executive Director containing a detailed assessment of each of the technologies considered, including their technical and cost effectiveness in reducing sulfur emissions and white visible emissions, estimated capital and operating costs, feasibility of implementation, and schedules for implementation. The final report will include Respondent's determination of which technology or combination of technologies it will use to reduce sulfur emissions and white visible emissions. The final report shall also contain a corrective action plan, subject to the Executive Director's approval, that includes a timeline and deadlines for compliance activities necessary to implement the corrective action plan that will address the technologies utilized to reduce sulfur emissions and white visible emissions. The final report and corrective action plan must include a final deadline by which Respondent will complete implementation of the corrective action plan to achieve consistent compliance with SC 10A (now SC 10.C) of Air Permit Nos. 865A and PSD-TX-1016;
- d. Within 150 days after the effective date of this Agreed Order, Respondent shall obtain approval from the Executive Director for the corrective action plan listed in Ordering Provision No. 3.c. If the Executive Director does not approve Respondent's corrective action plan, the Executive Director will identify in a disapproval letter what changes are necessary for the plan to be approved. Within 30 days of receiving the Executive Director's disapproval and comments, Respondent shall submit a revised corrective action plan that addresses the Executive Director's comments;
- e. Within 30 days after the Executive Director's approval of Respondent's corrective action plan, Respondent shall commence implementation of the corrective action plan designed to address sulfur emissions and white visible emissions from EPN FLARE that exceed a total of five minutes in any two consecutive hours;
- f. Respondent shall continue to implement the corrective action plan until all action items have been completed. Respondent shall submit quarterly status reports regarding the implementation of the corrective action plan to the addresses listed in Ordering Provision No. 3.i. The status reports shall contain the following: an update of Respondent's implementation of the corrective action plan and an overall summary of the Respondent's measures taken to ensure that the corrective action plan is being followed;
- g. Upon completion of the corrective action plan, Respondent shall submit written certification that it has completed implementation of the corrective action plan and achieved consistent compliance with SC 10A (now SC 10.C) of Air Permit Nos. 865A and PSD-TX-1016;

- h. If Respondent is unable to complete the corrective action plan, Respondent shall either:
- i. Submit an extension request in accordance with Ordering Provision No. 7 demonstrating good cause as to why Respondent is unable to meet the deadline specified in the corrective action plan 30 days prior to the deadline or if Arkema anticipates failure to meet a deadline fewer than 30 days before the deadline then as soon as practical but not later than the deadline. Whether or not good cause is shown and/or whether or not the extension request is granted is solely within the Executive Director's discretion; or
 - ii. Submit written certification demonstrating compliance with SC 10A (now SC 10.C) of Air Permit Nos. 865A and PSD-TX-1016 within 365 days of failing to meet a deadline specified in the corrective action plan.
- i. The written certifications required by these Ordering Provisions shall include detailed supporting documentation, including photographs, receipts, and/or other records. The certification shall be notarized by a State of Texas Notary Public and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Respondent shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and

Kathy Saucedo, Air Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Freeway
Beaumont, Texas 77703-1892

and

Jeff Greif, Technical Specialist
Texas Commission on Environmental Quality
Air Permits Division, MC 162
P.O. Box 13087
Austin, Texas 78711-3087

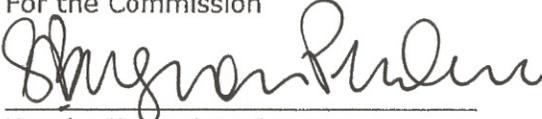
4. All relief not expressly granted in this Agreed Order is denied.
5. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
6. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/2/2012

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Arkema Inc., and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Signature

Scott Schwartz
Name (Printed or typed)
Authorized representative of
Arkema Inc.

October 13, 2011

Date

Regional President
Title of Thiochemicals and CECA

Attachment A
Docket Number: 2010-1235-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Arkema Inc.
Penalty Amount:	Thirty-Four Thousand Six Hundred Fifty Dollars (\$34,650)
SEP Offset Amount:	Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325)
Type of SEP:	Contribution to a Third-Party Recipient
Third-Party Recipient:	South East Texas Regional Planning Commission
Project Name:	<i>Meteorological and Air Quality Monitoring Network</i>
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission for the *Meteorological and Air Quality Monitoring Network*. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the Third-Party Recipient and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640
8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote

communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Particulate matter (PM), sulfides (SO, SO₂), oxides of nitrogen (NO_x), volatile organic carbon (VOC) compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Bob Dickinson, Director
Transportation & Environmental Resources Division
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Litigation Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
PO Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.